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5 Attorneys for Defendant  
6 SMITH'S FOOD & DRUG CENTERS, INC.

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 LANDRA HOGUE, individually,  
10 Plaintiff,

11 vs.

12 SMITH'S FOOD & DRUG CENTERS, INC.  
dba SMITH'S, a foreign corporation; DOES I-  
13 X, and ROE CORPORATIONS I-X, inclusive,  
14 Defendants.

CASE NO. 2:17-cv-02702-APG-CWH

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY  
(FOURTH REQUEST)**

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16  
17 **1. Basis for requesting this continuance is to allow the parties to depose experts  
18 that are unavailable until after the current discovery deadline.**

19 The parties to this case previously submitted a third stipulation to extend discovery on July 3,  
20 2018 which was granted by this Court on July 11, 2018. (See ECF #25.) Since that order was entered,  
21 the parties have actively pursued discovery. Most importantly, counsel have timely identified experts  
22 and are currently engaged in scheduling and deposing experts. Unfortunately, although counsel have  
23 attempted to ensure that the expert depositions were completed before the close of discovery, several of  
24 Plaintiff's experts were unavailable until after the current discovery deadline.

25 IT IS HEREBY STIPULATED AND AGREED by and between DAVID A TANNER, ESQ. of  
26 the TANNER LAW FIRM, Attorney for Plaintiff LANDRA HOGUE, and JERRY S. BUSBY, ESQ.  
27 and GREGORY A. KRAEMER, ESQ. of the law firm COOPER LEVENSON, P.A., Attorneys for  
28 Defendant SMITH'S FOOD & DRUG CENTERS, INC. that certain discovery deadlines in this matter

1 be continued for a period of 49 days to allow the parties additional time to disclose their experts and for  
2 the parties to file dispositive motions thereafter in order to be ready for trial.

3 **A. DISCOVERY COMPLETED TO DATE**

4 In the third stipulation to extend discovery, the parties enumerated 22 discovery matters  
5 completed in this case. Subsequent to the filing of the stipulation, the parties have conducted the  
6 following discovery:

7 23. Plaintiff disclosed two liability experts (Brian Jones, MSBE, PE, ACTAR, CXL and  
8 Alex Balian, MBA) and two medical experts (Jeffrey Gross M.D. and Jason Garber M.D.).

9 24. Defendant disclosed biomechanical expert (Christopher Chen, PhD.) and medical  
10 expert (Reynold Rimoldi, M.D.).

11 25. Plaintiff has subpoenaed Ronnie Coleman and Angelina Navarro for deposition on  
12 August 29, 2018.

13 26. Plaintiff disclosed Brian Jones as a rebuttal expert and provided his rebuttal report.

14 27. Defendant has requested an updated authorization to be able to recover Plaintiff's  
15 medical records under her married name and will request the records as soon as the authorization is  
16 received.

17 28. Defendant has requested Plaintiff's IRS records but it appears that her records are  
18 stored under a different name and Defendant is requesting an updated IRS Form 4506.

19 29. Defendant has disclosed the indictment of Plaintiff's medical expert Jeffrey Gross,  
20 M.D. as potential impeachment evidence for use at trial.

21 30. Plaintiff's attorney has noticed and intends to take the depositions of Defendant's  
22 experts as follows:

23 Reynold Rimoldi, M.D. September 12, 2018

24 Christopher Chen, Ph.D. September 13, 2018

25 30. Defendant has noticed and intends to take the deposition of Plaintiff's expert/rebuttal  
26 expert, Brian Jones on August 22, 2018.

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31. Defendant has requested dates for the depositions of Plaintiff's remaining experts but has learned that the following three experts are not available until after the current discovery deadline of September 20, 2018:

Alex Balian	first date available – October 16, 2018
Jeffrey Gross, M.D.	first date available – October 22, 2018
Jason Garber, M.D.	first date available – November 6, 2018

**DISCOVERY TO BE COMPLETED**

1. Plaintiff's attorney has noticed and will take the following lay depositions:

Ronnie Coleman	August 29, 2018
Angelina Navarro	August 29, 2018

2. Plaintiff has noticed and will take the following expert depositions:

Reynold Rimoldi, M.D.	September 12, 2018
Christopher Chen, Ph.D.	September 13, 2018

3. Defendant has noticed and will take the deposition of expert Brian Jones on August 22, 2018.

4. If this Court agrees to the proposed stipulation to extend, Defendant has noticed and will take the depositions of plaintiff's experts on the following dates:

Alex Balian	first date available – October 16, 2018
Jeffrey Gross, M.D.	first date available – October 22, 2018
Jason Garber, M.D.	first date available – November 6, 2018

5. If this Court does not agree to this proposed extension, Defendant will have no choice but to file a motion to exclude the Plaintiff's experts who are not available for deposition until after the current discovery deadline.

6. The parties also reserve the right to disclose any supplemental evidence recovered in this case.

**WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time

1 to depose the experts disclosed in this case that are not available for deposition until after the current  
2 discovery deadline. conduct discovery.

3 The parties respectfully submit that this constitutes good cause for the following extension.

4 Scheduled Event	Current Deadline	Proposed Deadline
5 Discovery Cut-Off	September 20, 2018	November 9, 2018
6 Interim Status Report	July 23, 2018	no change
7 Expert Disclosure	July 23, 2018	no change
8 Rebuttal Expert Disclosure	August 24, 2018	no change
9 Dispositive Motions	October 22, 2018	December 7, 2018
10 Joint Pre-Trial Order	November 20, 2018	January 7, 2019

11 This Request for an extension of time is not sought for any improper purpose or other  
12 purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time  
13 to depose experts disclosed in this case on the dates provided above agreed upon by counsel and by  
14 the experts to be deposed. The parties respectfully submit that the reasons set forth above constitute  
15 good cause for the short extension.

16 Respectfully submitted this 10th day of August, 2018.

17 TANNER LAW FIRM

COOPER LEVENSON, P.A.

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Attorneys for Defendant  
SMITH'S FOOD & DRUG CENTERS, INC.

24 IT IS SO ORDERED:

25   
UNITED STATES MAGISTRATE JUDGE

26 DATED: \_\_ August 16, 2018 \_\_\_\_